REMARKS

The Rejection of Claims 1-4, 6, 9-12 and 14-17 under U.S.C. § 103(a)

Claims 1-4, 6, 9-12 and 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander et al. U.S. Patent No. 6,038,516 in view of Lignoul U.S. Patent No. 6,374,145. Claims 1, 9 and 14 are the only independent claims in this group of claims and have been amended.

The Examiner alleges that "Alexander teaches a remote metering display for displaying power-related information generated by a power meter linked to the display, the remote metering display comprising: a display screen (fig. 1B; display screen of element 142), means for navigating through menu options depicted on the display screen (abstract and figures 6A-6B), and wherein the motion sensor senses infrared waves projected from a person's body (col. 5, lines 8-16)."

The Applicants respectfully disagree. Alexander et al. has been examined and there is no reference to a "motion sensor" as required by Applicants' claims 9 and 14: "a motion sensor...for activating the display screen in response to detection of a person's presence within a predetermined distance of the motion sensor."

The Examiner further observed that: "Alexander does not explicitly disclose the navigating means to be a plurality of user interface buttons. However, Alexander's method provides scrolling operations for navigating through menu options (abstract)." The Examiner then alleged that "It would have been obvious to an artisan at the time of the invention to include such buttons for use in conjunction with the scrolling functions of Alexander in order to facilitate user's menu navigation."

The Applicants respectfully disagree. The Examiner has not provided the findings required to substantiate the basis for such reasoning, in the absence of a reference as required by the MPEP § 2144.03 (B):

> "If such notice is taken, the basis for such reasoning must be set forth explicitly. The examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge."

Alexander et al. teaches the use of a general purpose PC including keyboard input (FIG. 1b of Alexander et al., host computer 140, a keyboard terminal 144 and a display 142). There is no motivation in Alexander et al. to include the user interface buttons of the present invention and

further, such a combination would not yield the Applicants' present invention of a "a remote metering display including: a display screen...a plurality of user interface buttons for navigating through menu options depicted on the display screen...," as required by Applicants' amended claims 1, 9 and 14.

The Examiner further alleges that "Lignoul teaches a proximity sensor for a user's presence in order to **activate and deactivate a screen saver program** on a display device (abstract; col. 3, lines 12 et seq.)" and that "It would have been obvious to an artisan at the time of the invention to combine Lignoul's teaching with Alexander's method in order to prolong the life of the display device as well as saving energy." The Applicants respectfully disagree. Combining the cited references does not yield the present invention as required by amended claim 1, particularly "**powering on** the display screen in response to detection of a person's presence within a predetermined distance of remote metering display." Lignoul teaches the use of a proximity sensor to activate "a screen saver program and/or a password protection system" (abstract, and elsewhere). A sensor for powering on a display screen is entirely lacking in the cited references.

Also, the proximity sensor of Lignoul merely detects a user "in the vicinity" (see the Abstract and col. 1, lines 11-12). There is no teaching or suggestion in Lignoul or any of the cited references, of detecting a person's presence within a "**predetermined distance** of the remote metering display" as required by the Applicant's amended Claims 1, 9 and 14. There is no teaching or suggestion that the proximity sensor of Lignoul is adjustable or settable to determine a "predetermined distance."

With reference to the rejection of claim 2, the Examiner alleges that "It would have been obvious to an artisan at the time of the invention to use such a type of display screen with Alexander's system depending on implementation preference without compromising functionality." The Applicants respectfully disagree. The Examiner has not provided the findings required to substantiate the basis for such reasoning, in the absence of a reference as required by the MPEP § 2144.03 (B)

> "If such notice is taken, the basis for such reasoning must be set forth explicitly. The examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge."

The use of "a vacuum florescent display (VFD) screen," as required by Applicant's amended claim 2, would not have been an obvious display choice to an artisan with the system of

Alexander et al. VFDs are used in small instrument display panels and panels where brightness and readability at a distance is required, and at least for these reasons, the use of a VFD in the general purpose PC system taught by Alexander et al. is counter-indicated. Indeed, to one skilled in the art, the use of a VFD would, in fact, compromise the system of Alexander et al.

With reference to the rejection of claim 3, the Examiner alleges that "Lignoul teaches the display screen to be deactivated in response to no motion being detected by the motion sensor and none of the user interface buttons being pressed for a predefined period of idle time (col. 3, lines 12 et seq.)" The Applicant respectfully disagrees. Lignoul does not teach: "powering off said display screen in response to no motion being detected by the motion sensor" as required by applicant's amended claim 3. One skilled in the art can clearly distinguish between the powering off of the display screen of the current invention and the activation of "a screen saver program and/or password protection program" (abstract) as taught by Lignoul.

With reference to the rejection of claim 4, the Examiner alleges that "...a step of defining the predefined period of idle time through menu options, e.g., screen saver setting in Windows, is well known in the art. It would have been obvious to an artisan at the time of the invention to include such a setting feature with the method of Alexander and Lignoul in order to provide a user with a quick and easy means for defining the predefined period of idle time." The Applicants respectfully disagree. Claim 4 is dependent on claim 1 and should be also allowable for the same reasons given above.

For the foregoing reasons, Applicants respectfully submit that the independent claims 1, 9 and 14, as well as all claims dependent thereon, are not obvious over Alexander et al. in view of Lignoul and, thus, should be in condition for allowance.

The Rejection of Claims 5, 7-8, 13 and 18 under U.S.C. § 103(a)

Claims 5, 7-8, 13 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander et al. U.S. Patent No. 6,038,516 in view of Lignoul U.S. Patent No. 6,374,145 and further in view of Given et al. U..S Patent No. 6,560,711. There are no independent claims in this group of claims.

The Examiner alleges that "Given [et al.] teaches in a method which utilizes a motion sensor that senses a user's presence in the vicinity (abstract; col. 7, line 19 et seq.)" and further alleges that "While Given does not specifically disclose an analog-to-digital converter for receiving and digitizing the analog output signal, however such a component would have been

obvious to an artisan to be inclusive with Given's method so that the output signal could be digitized a required."

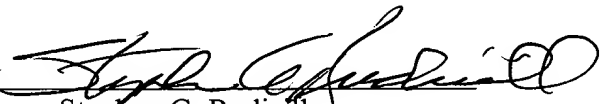
The Applicants respectfully disagree. The discussion above details the non-obviousness of the combination of Alexander et al. and Lignoul to yield the present invention. The further inclusion of Given et al. does not address that deficiency. Furthermore, there is no teaching or suggestion in Given et al. of the requirement of capturing voltage sense levels received from the motion sensor of Given et al., and the Office Action provides no such rationale or prior art for the addition of an analog-to-digital converter to Given et al.

For the foregoing reasons, Applicants respectfully submit that the dependent claims 5, 7-8, 13 and 18, are not obvious over Alexander et al. in view of Lignoul and further in view of Given et al. and, thus, should be in condition for allowance.

Claims 1-18 remain in this application.

It is believed that no fee is presently due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkens & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47182-00232.

Respectfully submitted,

By 

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